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man that he surrender his individualism so far as is necessary for the good of the race.

This is the larger message of this book, as it is the larger meaning of conservation.

To turn to Professor Hopkins's book is to take up one of those specialized studies of which President Van Hise speaks in his preface. Here we have a detailed scientific treatment of the single problem of soil fertility, with all that this means for the future of the race. Intended primarily as a practical manual for farmers and agricultural students, the book is full of facts that interest the student of general economics, provided his vision is wide enough to embrace other matters than the value problem. The art of agriculture, as Professor Hopkins points out, has ruined land, and the science of agriculture must restore it.

Beginning with a careful study of the chemistry of soil fertility, technical enough for scientific accuracy, yet simple enough to be read by the man of reasonable intelligence even if he have no special training, the book goes on to discuss the chief types of soil in the United States and then takes up the problem of maintaining permanently the potassium, nitrogen and phosphorus content of the soil and putting an end to our present exploitative farming. More than a quarter of the book is allotted to the results of the Rothamstead and other culture experiments, and the work is fortified with more than a hundred tables. It is emphatically a book to be studied, not simply read. The promulgation of teachings such as these among the progressive young farmers of the Middle West promises much for our future prosperity.

H. R. MUSSEY.

COLUMBIA UNIVERSITY.

History of the Sherman Law of the United States of America.

By ALBERT H. WALKER. New York, The Equity Press, 1910.—xiii, 320 pp.

This little volume is cumbered with too much analysis and discussion of decisions to hold the interest of the layman ; and yet the treatment of decisions is too condensed as well as too obviously biased to serve as a trustworthy digest for the lawyer.

The first two chapters treat of the introduction of the original draft of the Sherman Bill in Congress, the ensuing debates on the general subject of anti-trust legislation, the substitution of the form suggested by Senator Edmunds of the Senate Judiciary Committee, and the final

passage and approval of the act in its present form. The next chapter contains an analysis of the law, section by section. Then follow half a dozen chapters reviewing in chronological order the decisions of the courts interpreting the act, and so arranged as to give a chapter to each presidential administration. The author concludes with a forecast of the Standard Oil and American Tobacco decisions, which, at the time the book went to press, had not been announced by the Supreme Court of the United States.

Over two-thirds of the space is thus devoted to the discussion of litigated cases; and this discussion is frequently misleading because of the author's unfair and unlaywerlike digests of the cases discussed and his intemperate comment. A single illustration will sufficiently indicate his methods and his tone. On pages 263 and 264, after a statement of the gist of the complaint in the well-known Meeker case, the following comment is made:

The complaint was defective in not stating the facts which showed that the rates thus agreed to be charged by the seven railroad companies were extortionate, as compared with what fairly compensatory rates would have been. Those facts, if they had been stated in the complaint, would have shown that *the rates* agreed to be charged and charged by the seven railroad companies *were thus extortionate to the extent of at least one-half of each rate*. And those facts must have been well known to Mr. Meeker, for they have long been notorious and are undeniable. But through some error, those facts were not stated in the complaint, and therefore could not be considered by the court, when deciding the case, as it was decided upon a demurrer to the complaint.

That decision was rendered on June 6, 1908, by Judge Ray, the United States District Judge for the Northern District of New York, when temporarily holding the United States Circuit Court for the Southern District of New York. Judge Ray held that "a resort to the Interstate Commerce Commission is a condition precedent to the maintenance of an action, in the Circuit Court of the United States, to recover damages solely occasioned by the payment of excessive, unjust or unreasonable rates for the transportation of interstate commerce, even when the exaction of such excessive rates was the result of a combination or conspiracy made unlawful by the Sherman anti-trust law." This decision was equivalent to holding that a Circuit Court of the United States, when entertaining an action at law for the purpose of ascertaining the amount of damage which a particular combination or conspiracy violative of the Sherman law has inflicted upon a plaintiff claiming to have been injured thereby, will not receive evidence proving the bottom facts, but will be governed entirely by whatever declaration relevant to the question may have been made by the Interstate

Commerce Commission, and that in the absence of any such declaration no damage whatever can be recovered in any United States Circuit Court.

It does not appear that the plaintiffs in this case have ever prosecuted the case in court since that adverse decision of Judge Ray was rendered ; for the published reports of the United States courts do not contain any report of any review of Judge Ray's decision. Whenever hereafter the same question arises between other parties before another judge, it is to be expected that judge will decide that Section 7 of the Sherman law does not express or imply any necessity for any resort to the Interstate Commerce Commission, as a condition precedent to the enforcement of that section by any Circuit Court of the United States, in any case where the bottom facts are found by legal evidence to require such an enforcement.

The reader will note, in the words italicized, the author's charge of extortionate rates. These rates were three in number : one of \$1.55, one of \$1.40 and one of \$1.20. If our judicially minded author be correct they should have been reduced to 78, 70 and 60 cents respectively. What actually happened was that, after Judge Ray's decision, the very able counsel acting for Mr. Meeker adopted the course so plainly indicated by Judge Ray and presented the case to the Interstate Commerce Commission. There it was thoroughly tried, and after digesting the voluminous record of testimony that tribunal decided on June 8, 1911, that the highest rate should be reduced, not 77 but only 15 cents ; that the next rate should be reduced, not 70 but only 10 cents ; and that the lowest rate be reduced, not 60 but only five cents.

The sarcastic comment on Judge Ray is not only unfair to him ; it also betrays Mr. Walker's ignorance of that other important federal statute, the Interstate Commerce Act, and the controlling decisions of the Supreme Court interpreting it. These decisions are binding not only upon Judge Ray but on " another judge " who may have a like question before him. The opinion of the United States Supreme Court in the Abilene Cotton Oil case made any other decision in the Meeker case than that rendered by Judge Ray quite impossible.

The treatise has altogether too much of innuendo. The motives and fidelity of public men of proved honor and integrity are impugned by oblique comment and sinister suggestion. If the author's style were captivating and his work original or inspiring we might condone his bias. The English, however, is awkward, two-thirds of the book is occupied by an incomplete and undependable digest, and the other third is of no practical utility and of little interest.

JACKSON E. REYNOLDS.